

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Deonte Bell,

Case No. 21-cv-1682 (PAM/LIB)

Petitioner,

v.

REPORT AND RECOMMENDATION

B. Birkholz and Michael Carvajal,

Respondents.

This matter comes before the undersigned United States Magistrate Judge upon the routine supervision of the cases that pend before the Court, pursuant to a general assignment made in accordance with the provisions of 28 U.S.C. § 636.

On July 22, 2021, the Clerk of this Court sent Petitioner Deonte Bell a letter (1) stating that the Court had not received from Petitioner either this action's filing fee or an application to proceed in forma pauperis ("IFP"); (2) enclosing a copy of this District's template IFP application; and (3) warning Petitioner that if the Court did "not receive [his] filing fee or [IFP application], [his] case could be summarily dismissed without prejudice." (Letter [Docket No. 4]). It has now been over three weeks since the Clerk sent the July 22, 2021, letter to Petitioner, and Petitioner has not submitted a filing fee or IFP application. In fact, Petitioner has not communicated with the Court in any manner about this case at all since commencing this action.

Accordingly, under Rule 41(b) of the Federal Rules of Civil Procedure, this Court now recommends dismissing this action without prejudice for failure to prosecute. See, e.g., Henderson v. Renaissance Grand Hotel, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

Therefore, based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this action be **DISMISSED without prejudice** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: August 18, 2021

s/Leo I. Brisbois
Hon. Leo I. Brisbois
United States District Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).